

*Sullivan County, NY* - Congressman Maurice Hinchey (D-NY) today wrote to the Delaware River Basin Commission (DRBC) urging the federal agency to aggressively assert its regulatory jurisdiction over proposed natural gas drilling operations in the Upper Delaware River Basin.

In a letter addressed to Commissioner Carol Collier, Hinchey requested that the agency work closely with the New York State Department of Environmental Conservation to fully scrutinize pending gas drilling applications. Hinchey stressed the need for all levels of government to work diligently to ensure that any gas drilling from the Marcellus Shale formation is done in a manner that protects public health and the region's environment. DRBC has federal jurisdiction over significant withdrawals and discharges of water within the Delaware River Basin and has previously indicated the agency will require "dockets" or permits for gas companies that use substantial amounts of water during drilling of gas wells.

The text of Hinchey's letter follows:

June 27, 2008

Carol R. Collier, Executive Director

Delaware River Basin Commission

P.O. Box 7360, 25 State Police Drive

West Trenton, NJ 08628-0360

Dear Ms. Collier:

I am writing regarding the issue of natural gas exploration and drilling in the Upper Delaware River Basin. As you know, the region is facing the prospect of hundreds of new wells extracting natural gas from the Marcellus Shale formation in both New York and Pennsylvania. The sudden increase in gas drilling activity in the region challenges all levels of government to ensure that these activities are done in a manner that protects both public health and environmental resources. I appreciate your recent comments indicating the Delaware River Basin Commission's intention to work with state officials to ensure that gas drilling is done in a responsible manner, and I urge the DRBC to use the docket application process currently established for the Basin to fully scrutinize any possible impacts on the Delaware River and its tributaries, particularly with regard to water withdrawals and discharges in the Basin.

Natural gas drilling can certainly offer the region some economic benefits and help to meet our energy needs as we transition to more sustainable sources of energy. However, it is imperative that any development of natural gas resources be conducted in a manner that does not threaten ground and surface water resources. I understand that the process of extraction that is likely to be used, hydraulic fracturing, requires the use of a prodigious amount of water and would come under the DRBC's jurisdiction. It is vital that the DRBC use its full regulatory authority, in concert with the New York State Department of Environmental Conservation, to ensure that gas drilling operations that are permitted by the two agencies meet the highest standards for environmental protection and use best management practices.

Many of my constituents and I are concerned that without aggressive oversight, many landowners and communities could be adversely impacted by these activities. Issues such as regulating withdrawals to protect the Delaware River and its tributaries, ensuring proper disposal and treatment of process wastewater, and requiring best management practices for storm water should be diligently pursued by DRBC and the NYSDEC in order to ensure that the exploitation of the region's natural gas resources do not jeopardize or degrade its invaluable water resources.

In conversations that my offices have had with the NYS DEC Division of Mineral Resources, the agency has indicated that the State of New York has some of the most protective regulations in the nation regarding gas drilling and extraction. Further, senior agency staff has noted that recent federal exemptions for gas drilling companies contained in the Energy Policy Act of 2005 should have no discernable impact on the regulation of these entities in New York because of the State's existing regulations, which are in no way preempted by the federal exemptions. I will continue to monitor this situation closely as the permitting process advances as I also work with

other members of Congress to weigh legislation that will protect communities in states with less stringent regulatory environments for gas and oil drilling. I ask that you and your colleagues bring to my attention any regulatory issues with regard to the federal government that may come to light as the permitting of these gas drilling operations proceeds over the coming months and years. I remain committed to protecting the resources of the Upper Delaware region and look forward to working with you towards that purpose.

Thank you in advance for your consideration and attention to this important matter. Please do not hesitate to contact me if I can be of any assistance.

Sincerely,

Maurice D. Hinchey

cc: Commissioner Pete Grannis, NYSDEC